

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:	:	
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AXA EQUITABLE LIFE INSURANCE COMPANY	:	16-CV-740 (JMF)
COI LITIGATION	:	
	:	<u>ORDER</u>
<i>This Document Relates to All Actions</i>	:	
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JESSE M. FURMAN, United States District Judge:

Upon review of the joint letter of June 23, 2023 from Opt-Out Plaintiffs and AXA, the Court rules as follows:

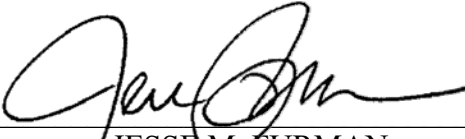
- In light of the proposed settlement of the Class claims, the Court agrees with LSH and AXA that the October 2023 trial can and should address *all* remaining issues — i.e., liability and damages for all remaining claims.
- The October 30, 2023 trial date remains in effect. The parties should confer, and be prepared to address with the Court at the final pretrial conference on October 25, 2023, how to address Dr. Harris’s scheduling issues. (If the parties believe that the Court should resolve those issues sooner than the final pretrial conference, they should file a letter motion seeking a conference.) For the parties’ planning purposes, the Court notes that it will not be sitting on Thursday, November 9, 2023 (or Friday, November 10, 2023, which is Veterans’ Day observed).
- EFG/EAA Plaintiffs are granted leave to use LSH’s damages expert, James Carson, subject to the same conditions that the Court previously permitted them to use Class Plaintiffs’ expert. *See* ECF No. 688.
- In light of the proposed class settlement, the maximum length of the parties’ motion *in limine* briefs — absent leave of Court — is shortened to 40 pages. *See* ECF No. 676, at 3.
- All other dates and deadlines, *see* ECF Nos. 676, 688, remain in effect. To the extent that any party believes that the deadlines should be adjusted (or additional deadlines set), the parties shall confer and file an appropriate letter motion to the Court.
- No later than **July 5, 2023**, Opt-Out Plaintiffs and AXA shall file a joint letter regarding settlement. The letter should, among other things, provide a list of all prior settlement discussions, including the date, the parties involved, whether any third-party (e.g., Magistrate Judge, mediator, etc.) was involved, and the approximate

duration of such discussions, if any. The letter should also indicate whether there is anything the Court can do to facilitate settlement of any remaining claims.

To the extent that any party believes that a more formal order is appropriate with respect to any of the foregoing issues, counsel shall promptly confer and submit an agreed-upon proposed order.

SO ORDERED.

Dated: June 26, 2023
New York, New York



JESSE M. FURMAN
United States District Judge